

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

TONIA MASSEY AND GREG MASSEY

PLAINTIFFS

V.

CIVIL ACTION NO. 2:08-cv-243-M-V

**DESOTO COUNTY, MISSISSIPPI; AND
DEPUTY ROBERT WHARTON, INDIVIDUALLY**

DEFENDANTS

ORDER

This cause is before the court on motion of Greg Massey to join the Bankruptcy Trustee, Alex Gates, in his capacity as trustee, and to align him with the plaintiff (#90).

The Bankruptcy Trustee is the sole representative of the Bankruptcy Estate and controls all property of the Estate. *Miller v. Shallowford Comm. Hospital, Inc.*, 767 F.2d 1556, 1559 (11th Cir. 1985). Under *Miller*, “the bankruptcy trustee succeeds to all causes of action held by the debtor at the time that a bankruptcy petition is filed.” Consequently, a trustee is a proper and necessary party to prosecute claims belonging to the estate. *Jones v. Harrell*, 858 F.2d 667, 669 (11th Cir. 1988). Since the trustee is now the owner of all of the Debtor’s property, he is a necessary party to this litigation. F.R.Civ.P. 17. There has been no objection to this motion filed by the defendants. The court finds the motion to be well taken.

IT IS, THEREFORE, ORDERED that the plaintiffs’ motion for joinder (#90) is hereby GRANTED.

SO ORDERED this, the 11th day of May, 2012.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE